

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHANNON GALLAGHER, et. al.,
Plaintiffs,
v.

No. C 04-448 SBA

ORDER

COUNTY OF SAN MATEO, et. al.,
Defendants.

This matter comes before the Court on Plaintiff Shannon Gallagher's Motion for Class Certification. After reviewing the papers filed by the parties, the Court finds that it would benefit from supplemental briefing.

An unspoken but essential requirement to certification is that the class be "adequately defined and clearly ascertainable." See 5 MOORE'S FEDERAL PRACTICE § 23.21 (3d ed. 1997); *DeBremaeker v. Short*, 433 F.2d 733, 734 (5th Cir. 1970). A precise class definition is necessary to identify those class members entitled to relief, entitled to notice, and bound by the judgment. *Bratcher v. Nat'l Standard Life Ins. Co. (In re Monumental Life Ins. Co.)*, 365 F.3d 408, 413 (5th Cir. 2004); *Alliance to End Repression v. Rochford*, 565 F.2d 975, 977 n.6 (7th Cir. 1977). In the instant case, Plaintiff seeks to certify two classes of women who were allegedly strip-searched at the San Mateo County Jail. Plaintiff's proposed class definitions, however, lack specific start or end dates for the class periods.

Accordingly,

IT IS HEREBY ORDERED THAT Plaintiff is to provide a supplemental brief proposing a start and end date for each of its two proposed classes. Plaintiff shall provide legal authority and factual support providing a rational basis for her proposed dates. In addition, Plaintiff shall provide argument regarding how, if at all, the proposed class periods affect Plaintiff's argument that the classes are sufficiently

1 numerous, as required under Fed. R. Civ. P. 23. Plaintiff's brief may not exceed ten (10) pages, and must
2 be filed no later than June 15, 2005.

3 IT IS FURTHER ORDERED THAT Defendants are to file a response to Plaintiff's supplemental
4 brief. Defendants are to state whether they object to Plaintiff's proposed class periods, and if so, the basis
5 for such objection. In addition, Defendants are to address any arguments made by Plaintiff with respect to
6 how the proposed class periods affect the numerosity of the proposed classes. Defendants' response shall
7 not exceed ten (10) pages, and shall be filed no later than June 24, 2005.

8 IT IS FURTHER ORDERED THAT hearing on Plaintiff's Motion is CONTINUED TO July 12,
9 2005, at 1:00 p.m.

10 IT IS SO ORDERED.

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12 Dated: 6-6-05

/s/ Sandra Brown Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge